

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,)	
individually and on behalf of NORFOLK)	
& PORTSMOUTH BELT LINE)	
RAILROAD COMPANY,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 2:18-cv-530
)	
NORFOLK SOUTHERN RAILWAY)	
COMPANY, NORFOLK & PORTSMOUTH)	
BELT LINE RAILROAD COMPANY,)	
JERRY HALL, THOMAS HURLBUT,)	
PHILIP MERILLI, and CANNON MOSS,)	
)	
<i>Defendants.</i>)	

JOINT OMNIBUS RESPONSE TO THE COURT'S ORDER TO SHOW CAUSE

Defendants Norfolk Southern Railway Company (“NS”) and Norfolk & Portsmouth Belt Line Railroad Company (“NPBL”), and Plaintiff CSX Transportation, Inc. (“Plaintiff” and together the “Parties”) together with non-Party Virginia International Terminals, LLC (“VIT”), through undersigned counsel, hereby submit this joint omnibus response to the Court’s order to show cause (ECF No. 184) why the motion to compel depositions of CSXT’s deponents (ECF No. 152), motion the quash NPBL’s subpoena to VIT (ECF No. 155), and motion to quash NS’s subpoena to VIT (ECF No. 163) were not responded to.

WHEREAS, NS filed its motion to compel depositions of CSXT’s deponents on March 13, 2020. ECF No. 152. VIT filed its motion to quash NPBL’s subpoena on March 16, 2020. ECF No. 155. And VIT filed its motion to quash NS’s subpoena on March 20, 2020. ECF No. 163.

WHEREAS, the Court granted the Parties' joint motion to stay "all existing deadlines" for 30 days due to the ongoing COVID-19 pandemic on March 19, 2020. ECF 160. Two additional 30-day extensions were entered on April 17, 2020, (ECF No. 165) and May 20, 2020, (ECF No. 173).

WHEREAS, in granting the motions on April 17, 2020 and May 20, 2021 the Court ordered that, during the period of the stay, "the Parties may continue supplementations, conferrals, and motions practice regarding written fact discovery, document discovery, and third-party discovery not requiring in-person activity." ECF Nos. 165 and 173.

WHEREAS, on June 8, 2020, the Court entered an order to show cause why ECF Nos. 152, 155, and 163 were not responded to.

WHEREAS, the stay orders entered by the Court have mooted the motions in ECF Nos. 152, 155, and 163.

WHEREAS, VIT intends to file notices withdrawing its motions to quash NPBL and NS's subpoenas. ECF No. 152 and 155.

WHEREAS, NS intends to file a notice withdrawing its motion to compel depositions of CSXT deponents. ECF No. 163

NOW, THEREFORE, NS, NPBL, CSXT, and VIT respectfully all submit that further responses to ECF Nos. 152, 155, and 163 are unnecessary because the motions were mooted by the Court's stay orders and will be withdrawn. NS and VIT will file their notices withdrawing their motions within three days.

Dated: June 12, 2020

/s/ Robert W. McFarland

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2020, I electronically filed a copy of the foregoing Joint Omnibus Response with the Clerk of Court using the CM/ECF system, which sent a notification of such filing (NEF) to the registered participants as identified on the NEF to receive electronic service, including:

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